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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,080	12/30/2003	Philip M. Ramirez	P00920-US-01 (06579.0389)	7637
22446	7590	02/20/2007	EXAMINER	
ICE MILLER LLP ONE AMERICAN SQUARE, SUITE 3100 INDIANAPOLIS, IN 46282-0200			VY, HUNG T	
			ART UNIT	PAPER NUMBER
			2163	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/748,080

Applicant(s)

RAMIREZ, PHILIP M.

Examiner

Hung T. Vy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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1. In the response to the Applicant's amendment filed on 12/13/2006, claims 1-21 are pending in this application. Upon reconsideration, the Applicant's arguments are not persuasive (see response Applicant's arguments below)

### **Claim Rejections - 35 USC § 101**

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Further claim 1 direct to a system comprising a computer readable medium. A computer readable medium as electronic, magnetic as defined in the Applicant's arguments in page 8, first paragraph. A signal encodes with functional descriptive material does not fall within nay of the categories of patentable subject matter. Therefore, claim 1 is not statutory (As set forth in 101, a claimed signal is clearly not a process under U.S.C. 101 because it is not a series of step. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result, and does not fit within the definition of a machine).

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-5, and 7-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (U.S. Patent No. 6,122,663) in view of Suchter (U.S. Patent No. 6,675,161).

With respect to claims 1, 8, and 15 Lin et al. discloses a computer readable medium for the management, protection of electronic data and /or records, the computer readable medium comprising: logic for filling the record at a central database (server)(8) after the classification of the record; and logic for deleting the record from the remote database (5) without user intervention upon the filing of the record at the central database (See column 6, line 27-35) but Lin et al. does not discloses classification of the record at remote computer and electronic documents and filing the record at a separate central database after classification of the record. However, Suchter discloses that data files are classified at a remote computer (see column 8, line 47-51) and filing the record at a separate central database after classification of the record (Admin client (remote computer) 116 use the browser 102 to access directory server 120 to review judgment function 204 (classification)(see fig. 1B and 2A and column 7, line 50-67 and column 8, line 1-14). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Lin et al.'s computer to provide the data as electronic document with classification of the record in order to have different kind of data base as electronic documents and modified the data base since such electronic documents with classification of the record at a remote computer for the stated purpose has been well known in the art as evidenced by teaching of Suchter (See column abstract).

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With respect to claims 2-4, 9-11 and 16-18, Lin et al. discloses the program monitor (4) for determining whether the record is open at the remote computer (see column 5, line 1-20), the program monitor (4) adds task record to the local record file so the program monitor also determining whether the record has previously been classified (see column 5, line 14-16).

With respect to claims 5, 12, and 19, Lin et al. discloses the logic for saving the record with an associated property in a memory of the remote computer (1)(see column 4, line 17-25).

With respect to claims 7, 14, and 21, Lin et al. discloses displaying record properties (see column 3, line 1-10).

With respect to claims 13 and 20, Suchter discloses selected a plurality of records, classifying the plurality of selected records at the remote location (See fig. 3).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (U.S. Patent No. 6,122,663) and Suchter (U.S. Patent No. 6,675,161) and in further in view of Clark et al. (U.S. Patent No. 6,725,228).

With respect to claim 6, Lin et al. and Suchter disclose all limitation recited in claim 1 except for logic for bulk classification of the plurality of selected records. However, Clark et al. discloses bulk classification (see abstract). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Lin et al.'s computer and Suchter's computer to provide bulk classification in order to have different kind of data base and classification and modified the data base

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since such electronic documents with classification of the record at a remote computer for the stated purpose has been well known in the art as evidenced by teaching of Clark et al. (See column abstract).

### **Response to Arguments**

6. Applicant's arguments filed on 12/13/2007 have been fully considered but they are not persuasive. Applicant made the following arguments:

- a. "While Suchter organizes hypertext files into categories, nothing in Suchter discloses a system or method that has logic, a step or a means that classifies a record at a remote computer while string such a record at a separate central database" page 10 first paragraph.
- b. "Applicant respectfully submits that there is nothing in either Lin or Suchter that would suggest or motivate one of ordinary skill in the art to combine Lin with Suchter because the systems and methods are used for unrelated purposes and such a combination would actually provide the user the ability to manipulate its usage data so that the system in Lin would not be able to accurately keep track of the usage data for billing purposes" page 11, first paragraph.
- c. "Specifically, the combination of Lin and Suchter does not disclose a system or method that either comprises logic a step or a means "for classification of the record at a remote computer", as claimed in claim 1, 8 and 15, respectively." Page 11, second paragraph.

The Applicant's argument a is not persuasive because Suchter discloses "files into categories" as noted by the Applicant (Applicant's argument above), that means

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classification. Further, Suchter discloses a system or method which classifies a records at a remote computer while storing such a record at a separate central database (Admin client (remove computer) 116 use the browser 102 to access directory server 120 to review judgment function 204 (classification)(see fig. 1B and 2A and column 7, line 50-67 and column 8, line 1-14).

The Applicant's argument **b** is not persuasive because the system and method are used for related purpose as Suchter discloses the invention that let the client (local record file (5)) access the server (8), and using the application to store the application in the server (10). Further, Lin discloses an invention that also lets the client (116) access the server (120) and using the application (124) to classify (review judgment) the document (see rejection above). Furthermore, Suchter also discloses a monitor to monitor the application in order to delete the recorded from the remote database without user intervention (See column 6, line 27-35). Therefore, the motivation to combine Lin with Suchter to create a system which benefits from the Lin and Suchter combination having security features of Lin and functional application of Suchter.

The Applicant's argument **c** is not persuasive because Suchter discloses a system or method which classifies a records at a remote computer while storing such a record at a separate central database (Admin client (remove computer) 116 use the browser 102 to access directory server 120 to review judgment function 204 (classification)(see fig. 1B and 2A and column 7, line 50-67 and column 8, line 1-14).

### Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published

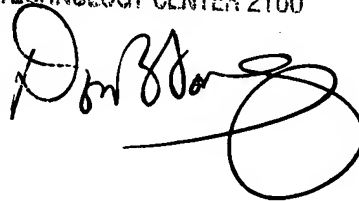


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application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy  
Art Unit 2163  
February 14, 2007.

DON WONG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

A handwritten signature in black ink, appearing to read "Don Wong", with a large, stylized circular flourish at the end.